

## **REMARKS**

The Office Action of July 24, 2006 has been received and considered. Claims 1-49 are pending. Claims 1 and 45 have been amended. Reconsideration of the application in view of the preceding amendments and following remarks, and allowance of the pending claims is respectfully requested. Each of the Examiner's rejections is discussed below.

Applicant initially notes that the Office Action recites that the "amendment of 12/22/2005 is non-compliant see claims 27-35." However, there is no further explanation of this comment, and the Office Action further indicates that claims 17-44 are allowed. Consequently, Applicant believes that this recited comment is not applicable to the present application, and the Examiner is invited to telephone the undersigned if this is not the case.

### **Allowed Claims**

Applicant thanks the Examiner for the indication that claims 17-44 are allowed.

### **Section 102**

Claims 1-5, 8, 9, 13, 14, 16, 45, 47 and 48 have been rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,199,213 to Whang ("Whang"). This rejection is respectfully traversed.

Whang discloses a cap having a crown 31 and a sweatband 10 formed of an interior core 14 and an exterior layer 15 folded over the core 14.

Whang does not disclose or make obvious a sweatband having an inner piece formed of stretchable fabric material in an unfolded condition having opposed longitudinal edges and folded about itself a binding of elastic material secured to an outer side of the folded inner piece having the seam, as required by independent claims 1 and 45.

As noted above, the exterior layer 15 of Whang is folded over interior core 14. Core 14, asserted in the Office Action to meet the limitation of a binding, is not secured to an outer side of a folded inner piece. It is positioned on the inside of layer 15. Accordingly, the rejection is

improper and should be withdrawn.

### **Section 103**

#### **Claims 6 and 49**

Claims 6 and 49 have been rejected under 35 U.S.C. § 103(a) over Whang in view of U.S. Patent No. 6,477,715 to Shin (“Shin”). Shin is cited as disclosing a binding tape secured to an inner headband with adhesive. This rejection is respectfully traversed.

Shin fails to overcome the deficiencies of Whang noted above. Specifically, Shin does not disclose or make obvious a sweatband having an inner piece formed of stretchable fabric material in an unfolded condition having opposed longitudinal edges and folded about itself a binding of elastic material secured to an outer side of the folded inner piece having the seam, as required by independent claims 1 and 45, from which claims 6 and 49 depend, respectively. Accordingly, the rejection is improper and should be withdrawn.

#### **Claim 7**

Claim 7 has been rejected under 35 U.S.C. § 103(a) over Whang in view of U.S. Patent No. 5,317,761 to Piche (“Piche”). Piche is cited as disclosing a sweatband secured to an inner portion of a crown with adhesive. This rejection is respectfully traversed.

Piche fails to overcome the deficiencies of Whang noted above. Specifically, Piche does not disclose or make obvious a sweatband having an inner piece formed of stretchable fabric material in an unfolded condition having opposed longitudinal edges and folded about itself a binding of elastic material secured to an outer side of the folded inner piece having the seam, as required by independent claim 1, from which claim 7 depends. Accordingly, the rejection is improper and should be withdrawn.

#### **Claim 10**

Claim 10 has been rejected under 35 U.S.C. § 103(a) over Whang in view of U.S. Patent

No. 5,566,395 to Nebeker (“Nebeker”). Nebeker is cited as disclosing a sweatband with a sponge core filler made from rubber or latex. This rejection is respectfully traversed.

Nebeker fails to overcome the deficiencies of Whang noted above. Specifically, Nebeker does not disclose or make obvious a sweatband having an inner piece formed of stretchable fabric material in an unfolded condition having opposed longitudinal edges and folded about itself a binding of elastic material secured to an outer side of the folded inner piece having the seam, as required by independent claim 1, from which claim 10 depends. Accordingly, the rejection is improper and should be withdrawn

**Claims 11, 12, and 15**

Claims 11, 12 and 15 have been rejected under 35 U.S.C. § 103(a) over Whang in view of U.S. Patent No. 6,016,572 to Park (“Park”). Park is cited as disclosing an inner elastic headband that is cut on the bias to obtain stretch. This rejection is respectfully traversed.

Park fails to overcome the deficiencies of Whang noted above. Specifically, Park does not disclose or make obvious a sweatband having an inner piece formed of stretchable fabric material in an unfolded condition having opposed longitudinal edges and folded about itself a binding of elastic material secured to an outer side of the folded inner piece having the seam, as required by independent claim 1, from which claims 11, 12 and 15 depend. Accordingly, the rejection is improper and should be withdrawn

### **Conclusion**

Consequently, pending claims 1-49 are believed to be in form for allowance, and an indication to that effect is respectfully requested at this time. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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